

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ANGELA GODDARD,

Plaintiff,

vs.

COMMISSIONER OF SOC. SECURITY,

Defendant.

) **CASE NO. 1:16 CV 1389**

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) **JUDGE DAN AARON POLSTER**

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) **OPINION AND ORDER**

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On June 8, 2016, Plaintiff Angela Goddard filed this action challenging the final decision of the Commissioner of Social Security (“Commissioner”), denying her applications for Period of Disability, Disability Insurance Benefits (“DIB”), and Supplemental Security Income (“SSI”) under Titles II and XVI of the Social Security Act, 42 U.S.C. § 416(I), 423, 1831 *et seq.*

(Doc #: 1.) Plaintiff contends that the decision of the Administrative Law Judge (“ALJ”) was not supported by substantial evidence in three ways: (1) the evidence demonstrated that Plaintiff’s severe osteoarthritis of the bilateral knees meets the requirements for Listing 1.02, (2) the ALJ gave insufficient evidentiary weight to the opinion of medical expert Dr. Kravitz, and (3) the ALJ incorrectly found that Plaintiff’s complaints were not supported by the record.

On May 1, 2017, after reviewing the merits briefs and the record, Magistrate Judge Jonathan D. Greenberg issued a forty-two (42) page Report and Recommendation recommending that the Court affirm the Commissioner’s final decision (“R & R”). (Doc #: 14.) On page 42 of the R & R, Magistrate Judge Greenberg notified the parties that

[a]ny objections to this [R & R] must be filed with the Clerk of Court within fourteen (14) days after the party objecting has been served with a copy of this [R & R]. 28 U.S.C. § 636(b)(1). Failure to file objections within the specified time may waive the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

(R & R 42.) Furthermore, under the relevant statute,

Within fourteen days after being served with a copy [of the R & R], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). It is now sixteen (16) days since the parties were served with a copy of the R & R, and Plaintiff has neither filed objections nor a motion for an extension of time to file objections.

The Court has reviewed the Magistrate Judge's lengthy and thorough R & R and agrees with Magistrate Judge Greenberg that the Commissioner's final decision should be affirmed for the reasons stated therein. Accordingly, the Court **ADOPTS** the Magistrate Judge's R & R (**Doc #: 14**), and **AFFIRMS** the Commissioner's decision denying Plaintiff DIB and SSI.

IT IS SO ORDERED.

/s/ Dan A. Polster May 17, 2017
Dan Aaron Pollster
United States District Judge